

111TH CONGRESS
1ST SESSION

H. R. 2262

To amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2009

Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. ROS-LEHTINEN, Mrs. MCCARTHY of New York, Ms. BALDWIN, Mr. BERMAN, Mr. BISHOP of New York, Ms. BORDALLO, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Ms. CLARKE, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURO, Mr. DOYLE, Mr. ETHERIDGE, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GORDON of Tennessee, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HOLT, Mr. KILDEE, Mr. KIRK, Mr. LANCE, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. PAYNE, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Mr. SIRES, Ms. SLAUGHTER, Mr. STARK, Ms. SUTTON, Mr. TONKO, Mr. WEINER, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Schools Improve-
5 ment Act of 2009”.

1 **SEC. 2. BULLYING AND HARASSMENT PREVENTION POLI-**
2 **CIES, PROGRAMS, AND STATISTICS.**

3 (a) STATE REPORTING REQUIREMENTS.—Section
4 4112(c)(3)(B)(iv) of the Safe and Drug-Free Schools and
5 Communities Act (20 U.S.C. 7112(c)(3)(B)(iv)) is amend-
6 ed by inserting “, including bullying and harassment,”
7 after “violence”.

8 (b) STATE APPLICATION.—Section 4113(a) of such
9 Act (20 U.S.C. 7113(a)) is amended—

10 (1) in paragraph (9)—

11 (A) in subparagraph (C), by striking
12 “and” at the end; and

13 (B) by adding at the end the following:

14 “(E) the incidence and prevalence of re-
15 ported incidents of bullying and harassment;
16 and

17 “(F) the perception of students regarding
18 their school environment, including with respect
19 to the prevalence and seriousness of incidents of
20 bullying and harassment and the responsiveness
21 of the school to those incidents;”;

22 (2) in paragraph (18), by striking “and” at the
23 end;

24 (3) in paragraph (19), by striking the period at
25 the end and inserting “; and”; and

26 (4) by adding at the end the following:

1 “(20) provides an assurance that the State edu-
 2 cational agency will provide assistance to districts
 3 and schools in their efforts to prevent and appro-
 4 priately respond to incidents of bullying and harass-
 5 ment and describes how the agency will meet this re-
 6 quirement.”.

7 (c) LOCAL EDUCATIONAL AGENCY PROGRAM APPLI-
 8 CATION.—Section 4114(d) of such Act (20 U.S.C.
 9 7114(d)) is amended—

10 (1) in paragraph (2)(B)(i)—

11 (A) in subclause (I), by striking “and” at
 12 the end; and

13 (B) by adding at the end the following:

14 “(III) performance indicators for
 15 bullying and harassment prevention
 16 programs and activities; and”;

17 (2) in paragraph (7)—

18 (A) in subparagraph (A), by inserting “,
 19 including bullying and harassment” after “dis-
 20 orderly conduct”;

21 (B) in subparagraph (D), by striking
 22 “and” at the end; and

23 (C) by adding at the end the following:

24 “(F) annual notice to parents and students
 25 describing the full range of prohibited conduct

1 contained in the discipline policies described in
2 subparagraph (A); and

3 “(G) grievance procedures for students or
4 parents that seek to register complaints regard-
5 ing the prohibited conduct contained in the dis-
6 cipline policies described in subparagraph (A),
7 including—

8 “(i) the name of the school district of-
9 ficials who are designated as responsible
10 for receiving such complaints; and

11 “(ii) timelines that the school district
12 will follow in the resolution of such com-
13 plaints;”.

14 (d) AUTHORIZED ACTIVITIES.—Section 4115(b)(2)
15 of such Act (20 U.S.C. 7115(b)(2)) is amended—

16 (1) in subparagraph (A)—

17 (A) in clause (vi), by striking “and” at the
18 end;

19 (B) in clause (vii), by striking the period
20 at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(viii) teach students about the con-
23 sequences of bullying and harassment.”;
24 and

1 (2) in subparagraph (E), by adding at the end
2 the following:

3 “(xxiii) Programs that address the
4 causes of bullying and harassment and
5 that train teachers, administrators, pupil
6 services personnel, and other school per-
7 sonnel regarding strategies to prevent bul-
8 lying and harassment and to effectively in-
9 tervene when such incidents occur.”.

10 (e) REPORTING.—Section 4116(a)(2)(B) of such Act
11 (20 U.S.C. 7116(a)(2)(B)) is amended by inserting “, in-
12 cluding bullying and harassment,” after “drug use and vi-
13 olence”.

14 (f) IMPACT EVALUATION.—Section 4122 of such Act
15 (20 U.S.C. 7132) is amended—

16 (1) in subsection (a)(2), by striking “and school
17 violence” and inserting “school violence, including
18 bullying and harassment,”; and

19 (2) in the first sentence of subsection (b), by in-
20 serting “, including bullying and harassment,” after
21 “drug use and violence”.

22 (g) DEFINITIONS.—

23 (1) DRUG AND VIOLENCE PREVENTION.—Para-
24 graph (3)(B) of section 4151 of such Act (20 U.S.C.

1 7151) is amended by inserting “, bullying, and other
2 harassment” after “sexual harassment and abuse”.

3 (2) PROTECTIVE FACTOR, BUFFER, OR
4 ASSET.—Paragraph (6) of such section is amended
5 by inserting “, including bullying and harassment”
6 after “violent behavior”.

7 (3) RISK FACTOR.—Paragraph (7) of such sec-
8 tion is amended by inserting “, including bullying
9 and harassment” after “violent behavior”.

10 (4) BULLYING, HARASSMENT, AND VIO-
11 LENCE.—Such section is further amended by adding
12 at the end the following:

13 “(12) BULLYING.—The term ‘bullying’ means
14 conduct that—

15 “(A) adversely affects the ability of one or
16 more students to participate in or benefit from
17 the school’s educational programs or activities
18 by placing the student (or students) in reason-
19 able fear of physical harm; and

20 “(B) includes conduct that is based on—

21 “(i) a student’s actual or perceived—

22 “(I) race;

23 “(II) color;

24 “(III) national origin;

25 “(IV) sex;

1 “(V) disability;

2 “(VI) sexual orientation;

3 “(VII) gender identity; or

4 “(VIII) religion;

5 “(ii) any other distinguishing charac-
6 teristics that may be defined by a State or
7 local educational agency; or

8 “(iii) association with a person or
9 group with one or more of the actual or
10 perceived characteristics listed in clause (i)
11 or (ii).

12 “(13) HARASSMENT.—The term ‘harassment’
13 means conduct that—

14 “(A) adversely affects the ability of one or
15 more students to participate in or benefit from
16 the school’s educational programs or activities
17 because the conduct, as reasonably perceived by
18 the student (or students), is so severe, per-
19 sistent, or pervasive; and

20 “(B) includes conduct that is based on—

21 “(i) a student’s actual or perceived—

22 “(I) race;

23 “(II) color;

24 “(III) national origin;

25 “(IV) sex;

1 “(V) disability;

2 “(VI) sexual orientation;

3 “(VII) gender identity; or

4 “(VIII) religion;

5 “(ii) any other distinguishing charac-
6 teristics that may be defined by a State or
7 local educational agency; or

8 “(iii) association with a person or
9 group with one or more of the actual or
10 perceived characteristics listed in clause (i)
11 or (ii).

12 “(14) VIOLENCE.—The term ‘violence’ includes
13 bullying and harassment.”.

14 (h) EFFECT ON OTHER LAWS.—

15 (1) AMENDMENT.—The Safe and Drug-Free
16 Schools and Communities Act (20 U.S.C. 7101 et
17 seq.) is amended by adding at the end the following:

18 **“SEC. 4156. EFFECT ON OTHER LAWS.**

19 “(a) FEDERAL AND STATE NONDISCRIMINATION
20 LAWS.—Nothing in this part shall be construed to invali-
21 date or limit rights, remedies, procedures, or legal stand-
22 ards available to victims of discrimination under any other
23 Federal law or law of a State or political subdivision of
24 a State, including title VI of the Civil Rights Act of 1964
25 (42 U.S.C. 2000d et seq.), title IX of the Education

1 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
 2 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),
 3 or the Americans with Disabilities Act of 1990 (42 U.S.C.
 4 12101 et seq.). The obligations imposed by this part are
 5 in addition to those imposed by title IX of the Education
 6 Amendments of 1972 (20 U.S.C. 1681 et seq.), title VI
 7 of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.),
 8 and the Americans with Disabilities Act of 1990 (42
 9 U.S.C. 12101 et seq.).

10 “(b) FREE SPEECH AND EXPRESSION LAWS.—Noth-
 11 ing in this part shall be construed to alter legal standards
 12 regarding, or affect the rights available to individuals
 13 under, other Federal laws that establish protections for
 14 freedom of speech and expression.”.

15 (2) CLERICAL AMENDMENT.—The table of con-
 16 tents of the Elementary and Secondary Education
 17 Act of 1965 (20 U.S.C. 6301 et seq.) is amended by
 18 adding after the item relating to section 4155 the
 19 following:

“Sec. 4156. Effect on other laws.”.

